

GREAT FALLS AND OLD DOMINION RAILROAD.

APRIL 2, 1904.—Ordered to be printed.

Mr. HANSBROUGH, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 2833.]

The Committee on the District of Columbia, having had under consideration the bill (S. 2833) to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad into the District of Columbia, introduced December 19, 1903, together with a substitute bill drawn by the Commissioners of the District of Columbia, beg leave to report back and recommend the passage of the following substitute, namely:

A BILL to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad into the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Great Falls and Old Dominion Railroad Company, incorporated by the acts of the general assembly of the State of Virginia, shall be, and it is hereby, in addition to the trackage rights now vested in it by existing legislation, authorized to construct and extend into and within the District of Columbia a double-track electric railroad, using the underground system, over the following route: Beginning at the north end of the Aqueduct Bridge and running thence to and into the reservation at the intersection of M and Thirty-sixth streets northwest, with such construction as may be necessary to connect with the tracks of the Capital Traction Company; thence east along M street to Thomas circle; thence around said circle on both sides thereof to said M street; thence along said M street to New Jersey avenue; thence southeasterly along New Jersey avenue to Massachusetts avenue at its intersection with First street northwest; thence southeasterly along Massachusetts avenue to north E street; thence east along north E street to east Second street; thence north on east Second street to north F street; thence east on north F street to Maryland avenue; thence northeasterly on Maryland avenue to the Bladensburg road; and thence northeasterly along the Bladensburg road to a point opposite Mount Olivet Cemetery. Also beginning at the intersection of New Jersey avenue and L street northwest; thence along L street to its intersection with Florida avenue and Tenth street; thence south along Tenth street to M street; thence west on M street to east Ninth street; thence north on east Ninth street to Georgia avenue, and thence northeasterly on Georgia avenue to east Tenth street: *Provided*, That if it should be found impracticable to lay a duct line on any of said streets, then the Commissioners of the District of Columbia are hereby authorized, upon the application of said company, to designate such other streets as may be best suited for the purpose of laying said

duct line: *Provided further*, That before said railroad company shall have the right to lay its tracks in Bladensburg road between Maryland avenue and Mount Olivet Cemetery said road shall be widened, without expense to the District of Columbia, to a width of ninety feet between building lines, and if condemnation proceedings are necessary to secure such widening said railroad company is authorized to institute the same in the manner provided in the code of law for the District of Columbia.

Sec. 2. That where the route provided for in this act coincides with the route or routes of any existing street railway, one set of tracks only shall be used in common with such previously existing railway upon terms to be mutually agreed upon. In case no agreement can be reached jurisdiction is hereby conferred upon the supreme court of the District of Columbia, in equity, to fix the terms upon which the rights hereby given shall be exercised.

Sec. 3. That the proceeding to fix such terms shall be by bill in equity, which may be filed by any corporation interested against the other corporation, whether owning or using the tracks. The right to use such tracks shall not be delayed by the proceeding for adjudication of such terms, but such rights may be at once exercised, the said court having the right in its sound discretion to impose reasonable terms by requiring bond or otherwise to protect the corporation entitled to compensation.

Sec. 4. That the said railroad shall be constructed in a substantial and durable manner, and all rails, electrical and mechanical appliances, conduits, stations, location and arrangement of tracks, and so forth, shall be approved by the Commissioners of the District of Columbia.

Sec. 5. That the said corporation shall at all times keep the space between its tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia, or their successors, may direct, and whenever any street occupied by said railroad is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia, and the amounts due from said corporation shall be collected as provided by section five of the act entitled "An act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Sec. 6. That if the said railroad be operated by overhead wires, the corporation shall furnish and maintain such lights along its line as the Commissioners of the District of Columbia may direct, without cost to the District of Columbia; but no overhead wires shall be constructed or used within the limits of the city of Washington.

Sec. 7. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railroad, or from altering and improving streets, avenues, and highways, and the sewerage thereof; in such event it shall be the duty of said company at once to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

Sec. 8. That it shall be lawful for said railroad company, its successors or assigns, having first obtained the permission of the Commissioners of the District of Columbia therefor, to make all needful and convenient trenches and excavations in any of said streets or places where said company may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the same manner and by the means herein provided, but shall forthwith restore the street to like good condition as it was before. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind, then the expense necessary to change such underground constructions shall be borne by the said railroad company.

Sec. 9. That the said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States, to the credit of the Washington Aqueduct, such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may consider necessary, any of the work that the said company may neglect or refuse to complete, and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus; and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of

said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War.

Sec. 10. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, on private grounds, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of its railroad.

Sec. 11. That the line of the said railway company shall be commenced within one year and completed within three years from date of the passage of this act; and in default of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately cease and determine.

Sec. 12. That the said company may run public carriages propelled by electric power; but nothing in this act shall allow the use of steam power in locomotives, or of overhead trolleys within the limits of the city: *Provided*, That if electric power by trolley be used, that the said company shall be liable for all damages made thereby to subsurface metal pipes and to other public and private property: *Provided further*, That for the purpose of making a continuous connection over the route hereinbefore described the said company shall have the right to cross all streets, avenues, and highways that may be along the designated route.

Sec. 13. That the said company shall furnish and maintain passenger houses, as required by the Commissioners of the District of Columbia, and shall use first-class cars on said railway, with all the modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require, in accordance with a time-table to be subject to the approval of the Commissioners of the District of Columbia. Every failure to comply with the conditions of this section shall render the said corporation liable to a fine of fifty dollars for each offense, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

Sec. 14. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Sec. 15. That said company shall, on or before the first of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December thirty-first, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said company, and, if said report is not made at the time specified, or within ten days thereafter, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, four per centum of its gross earnings in the District of Columbia, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due any payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lien of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway: *Provided*, That its tracks shall not be taxed as real estate.

Sec. 16. That said company may receive a rate of fare not exceeding five cents per passenger; and the several street railroad companies in the District of Columbia shall enter into mutual arrangements each with the other for the interchange of tickets in payment of fares on their respective lines: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for twenty-five cents.

Sec. 17. That the said company shall have at all times the free and uninterrupted use of the roadway, subject to the rights of the public, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railroad company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure

the cars of said railway, or depots, stations, or other property belonging to the said railroad company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 18. That the said railroad company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

SEC. 19. That no person shall be prohibited the right to travel on any part of said road, or be ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted or to comply with the lawful general regulations of the company.

SEC. 20. That the said Great Falls and Old Dominion Railroad Company, for the purpose only of constructing and equipping its railroad as herein authorized, shall have the right to issue bonds or other obligations, secured by mortgage or deed of trust upon its right of way, property, and franchises, bearing interest not to exceed five per centum per annum and payable at such time as the officers of the company may deem expedient: *Provided, however*, That the issue of said bonds or other obligations shall not in the aggregate exceed the amount necessary for the construction and equipment of its railroad and buildings, in accordance with the provisions of this act: *Provided further*, That no bonds or other obligations shall be issued except the same be fully paid for, at not less than their par value, in money or its equivalent.

SEC. 21. That Congress reserves the right to alter, amend, or repeal this act.

Your committee had extensive hearings before it on the question of chartering a railroad company to construct a line for a centrally located cross-town road. On the part of those who favored the construction of such a line as provided in the bill appeared the following persons:

Hon. Marion Butler, attorney for the Great Falls and Old Dominion Railroad Company; Richard H. Goldsborough, an officer of the company; W. Mosby Williams, chairman of the committee on street railroads of the East Washington Citizens' Association; Hon. S. S. Yoder, of the East Washington Citizens' Association; Evan H. Tucker, president of Northeast Washington Citizens' Association; Barry Bulkley, secretary of the Business Men's Association; Milford Spohn, of the Central Labor Union of the District of Columbia; E. J. Roache, of the local branch of the American Federation of Labor; Geo. G. Boteler, an officer of the company; John Ridout; also many others.

On the part of those who opposed the construction of such a line, the committee heard George T. Dunlop, president of the Capital Traction Company, and Hon. A. L. McDermott, receiver of the City and Suburban Railway, and George H. Harries, vice-president of the Washington Street Railway and Electric Company, and others.

At the close of these hearings, which were very full and complete, as will appear in the printed proceedings thereof, the bill was referred to a subcommittee consisting of Messrs. Hansbrough, Foster (of Washington), Dillingham, Martin, and Dubois, which committee reported back to the full committee the substitute above submitted.

For many years the necessity for a cross-town railroad in the city of Washington running east and west has been universally acknowledged and generally demanded. This demand has arisen out of the necessities of the rapidly increasing population, both urban and suburban.

At the present time there are practically but two lines running east and west through the city, while there are eight or ten lines of road

in active operation running from north to south. In arriving at a decision with respect to a route for the proposed line, the committee sought to secure the greatest amount of benefit and to minimize the inconveniences necessarily incident to such enterprises. It encountered a great many difficulties. In order to allow the Great Falls and Old Dominion Railroad, which is already authorized to cross Aqueduct Bridge, to extend its lines to the eastern limits of the city, touching at the proposed new Union Depot, the committee found it necessary that the proposed line should pass over the lines of the Capital Traction Company from the north end of Aqueduct Bridge along M street to Twenty-sixth street NW.

This is practically the only place along the entire route of the proposed line where there will be a duplication of service; and the Commissioners of the District of Columbia, in their report on the bill, concur in the fact that this is the only available outlet for the proposed line. Provision is made in the usual way for full compensation to the Capital Traction Company for the use of their tracks. From this point the proposed line will continue through M street to New Jersey avenue NW.; thence along New Jersey and Massachusetts avenues to the new Union Station; thence around two sides of said station to F street NE., and along F street to Maryland avenue; thence north-easterly on Maryland avenue and the Bladensburg road to Mount Olivet Cemetery.

The substitute bill also provides for an extension of the line from New Jersey avenue and L street NW. to Florida avenue NE., and thence south along Tenth street to the navy-yard, covering in all a distance of about 7 miles, or about 14 miles of track. M street NW. was selected as the route along which it is proposed to construct this line, for the reason that this thoroughfare, besides being the most central, is for many reasons better adapted for that purpose than any adjacent street. With few exceptions, the character of the improvements along M street is not such as would result in any serious damage to private property by the construction of the railroad line. Moreover, M street, from Aqueduct Bridge to Thomas circle is 40 feet in width between curbs, except in some portions of Georgetown, where the street is considerably wider. From Thomas circle to New Jersey avenue M street is 32 feet wide between curbs, and it was here that your committee found some obstacles and objections to the construction of the line.

A close examination of the situation with respect to this section of the road showed that after the construction of the double-track road through the street there still remains on either side a space of 7 feet in width between the outer rails of the line and the street curb, which, in the judgment of your committee, would afford ample space for the free passage of all classes of vehicles. This condition, in the judgment of your committee, does not present insurmountable difficulties when we consider the fact that several of the north and south lines now in operation have been laid on streets of the same width; that is to say, 32 feet wide between street curbs. The recommendation of the Commissioners of the District of Columbia, that this portion of M street should be widened from 32 to 45 feet, did not impress your committee, for the reason that if the property owners along the route at this point at any time hereafter conclude that it is to their advantage

to have the street widened in accordance with the recommendation of the Commissioners, the work may be done under the provisions of the general law.

Provision is made in section 1 of the bill for the widening of the Bladensburg road from its present dimensions to 90 feet between building lines, at the expense of the company. In the bill the usual provision for approval by the Commissioners of the District of Columbia with respect to matters pertaining to the location and arrangement of tracks, the character of rails to be used, the electrical and mechanical appliances, conduits, stations, the stringing of overhead wires, the altering of grades on any street or highway occupied by the proposed line, etc., are inserted in the bill. There is also a provision requiring the company to commence work upon its line within one year, and to complete the same within three years from the date of the passage of this act.

Section 16 of the bill provides that the company shall charge a rate of fare not exceeding 5 cents per passenger, "and the several street railroad companies in the District of Columbia shall enter into mutual arrangements each with the other for the interchange of tickets in payment of fares on their respective lines;" and within the District of Columbia 6 tickets shall be sold for 25 cents.

There being no general law under which railroad companies in the District can incur mortgage indebtedness, your committee has inserted a provision allowing the Great Falls and Old Dominion Railroad Company to issue bonds or other obligations bearing interest at not to exceed 5 per cent per annum, and providing that no such issue shall exceed in the aggregate the amount necessary for the construction and equipment of the said road and its buildings. This provision appears in the bill as section 20.

The committee does not look with favor upon the contention so persistently made and more or less intemperately urged by the existing street railway companies that Congress can not charter a new company to build a new line whenever and wherever needed in the public interest without invading their vested rights and privileges.